



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09173-24 A.A.**

AGENCY DKT. NO. **S577462012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits, and the termination Emergency Assistance ("EA") benefits. The Agency terminated Petitioner's WFNJ/TANF benefits because his total monthly income was over the maximum allowable benefit level for continued receipt of said benefits, and terminated his EA benefits because he was no longer a WFNJ, nor a Supplemental Security Income ("SSI"), benefits recipient. Petitioner also appeals from the reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits allotment due to a change in household income. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On August 9, 2024, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents. On August 19, 2024, the ALJ issued an Initial Decision, affirming the Agency's terminations of WFNJ/TANF and EA benefits, and the reduction of Petitioner's SNAP benefits allotment.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determinations, based on the discussion below.

Financial eligibility for WFNJ benefits is determined based upon the assistance unit's countable income, both earned and unearned, as well as countable resources. See N.J.A.C. 10:90-3.1(a). Pursuant to N.J.A.C. 10:90-3.2(a), in order to determine initial financial eligibility for WFNJ benefits for a new applicant, reapplicant or reopened case, "all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3." See also N.J.A.C. 10:90-3.1(b). Further, "[i]f the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists." See N.J.A.C. 10:90-3.2(a). For an assistance unit of two, effective July 1, 2019, the initial maximum allowable income level is \$638. See N.J.A.C. 10:90-3.3(a); see also DFD Informational Transmittal ("IT") No. 19-21.

Pursuant to N.J.A.C. 10:90-3.1(c), once initial financial eligibility for WFNJ/TANF is found to exist, financial eligibility continues to exist so long as the assistance unit's total countable income (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income, if applicable) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). For an assistance unit of two, the maximum allowable benefit level is \$425. See N.J.A.C. 10:90-3.3(b); see also DFD IT 19-21.



Only WFNJ cash assistance recipients and Supplemental Security Income (“SSI”) benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

Here, an independent review of the record reflects that on June 6, 2024, the Agency learned that Petitioner had been approved to receive monthly Retirement, Survivor’s and Disability Insurance (“RSDI”) benefits in the amount of \$1,086. See Initial Decision at 2; see also Exhibits EA R-4 and TANF/SNAP R-1. Petitioner’s unearned income in the monthly amount of \$1,086 is in excess of the benefit level of \$425. See Initial Decision at 2; see also N.J.A.C. 10:90-3.3(b). As such, by notice dated June 7, 2024, Petitioner was advised that his WFNJ/TANF benefits would terminate effective July 1, 2024. See Exhibit EA R-5. As Petitioner was no longer a WFNJ benefits recipient, nor an SSI benefits recipient, the Agency consequently terminated Petitioner’s EA benefits effective August 1, 2024. See Exhibit EA R-6. Additionally, Petitioner’s SNAP benefits allotment was recalculated using the monthly RSDI income, resulting in a reduction of Petitioner’s monthly SNAP benefits allotment from \$535 to \$428, effective July 1, 2024. See Exhibits TANF/SNAP R-2, R-3.

Based upon the testimonial and documentary evidence presented, the ALJ found that based upon Petitioner’s monthly unearned income from RSDI benefits, the Agency’s termination of Petitioner’s WFNJ/TANF benefits was proper and must stand. See Initial Decision at 3. I agree. Additionally, the ALJ concluded that, because Petitioner was no longer a WFNJ benefits recipient, and was not an SSI benefits recipient, he no longer was eligible for EA benefits. Ibid.; see also N.J.A.C. 10:90-6.2(a). I also agree. Finally, the ALJ also concluded that the Agency had properly reduced Petitioner’s monthly SNAP benefits allotment. See Initial Decision at 3. Again, I agree, and note that, when a SNAP household’s income increases, with all other factors in the eligibility calculations remaining constant, the SNAP benefits allotment will decrease.

By way of comment, the Agency shall refer Petitioner to any and all agencies and organizations that may be able to assist with his current needs, including Social Services for the Homeless.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency’s determinations are AFFIRMED, as outlined above.

Officially approved final version. September 25, 2024

Natasha Johnson
Assistant Commissioner

